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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,347	12/11/2000	Reinhold Barlian	BAR207	2280

7590 12/17/2002
Horst M. Kasper
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EXAMINER

OLIVA, CARMELO B

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 12/17/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,347

Applicant(s)

BARLIAN ET AL.

Examiner

Carmelo Oliva

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 7,9 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,10-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because in line 1, "And" should be --An--. Correction is required. See MPEP § 608.01(b).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6,8,10-19 and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1,11,14,17,18 and 21, "the ignition protection kind flame proof enclosure "d"" is unclear since type "d" is an industry standard for enclosures. Industry standards are indefinite since they can change over time. The "d" standard should be taken out of the claim and replaced by specifics of what constitutes the standard.

In claims 1,11,14,17,18 and 21, "a profile clamp connecting the casing parts shape matching against the force of an explosion" is indefinite since it is unclear which are shape matching, are the casing parts shape matched with each other, or is the profile clamp shape matched against the casing parts.

In claims 1, 11, 14, 17, 18 and 21, "a slot safe against ignition punch" is indefinite since the term "ignition punch" is not clearly explained in the applicant's disclosure. The section (page 10, lines 2 and 3) cited in the applicant's response gives no definition or explanation of the term "ignition punch".

In claim 4, line 5, the term "preferably" (before "essentially") renders the claim indefinite since the limitations thereafter are optional. Therefore, since these limitations have not been positively claimed, they have not been examined on their merits.

The claims have been examined as best understood.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-6, 8, 10, 12, 13, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito (US 6,025,991).

Regarding claim 1, Saito discloses in Fig. 4, a device casing comprising:

two casing parts 5 and 6 having wall parts 5a and 6a disposed toward each other;

a profile clamp 1a, 1d connecting the casing parts;

a slot between the wall parts (see Fig. 3).

Regarding claim 2, the profile clamp 1a is about a C-shape.

Regarding claim 3, the clamp has a base web 1a and side webs 1d corresponding to each casing part 5 and 6.

Regarding claim 4, the side webs 1d are at a distance from each other.

Regarding claim 5, a supplemental slot 5b, 6b is formed between a stop face of the side webs 1a and a support face of the casing parts 5 and 6 (see Fig. 3).

Regarding claim 6, the stop face, the support face and the supplemental slot are disposed in parallel to the slot.

Regarding claim 8, the supplemental slot is shorter than the slot.

Regarding claim 10, part of the clamp 1a, 1d is supported in a recess of the casing part.

Regarding claim 12, an inner face of the base web is parallel to a rest face of the casing (see Fig. 3).

Regarding claim 13, there is a distance between an inner face of the base web and a rest face of the casing.

Regarding claim 22, the clamp 1a, 1d is a single piece of uniform material.

Regarding claim 23, the clamp is fixed to the casing parts (see Fig. 3).

Allowable Subject Matter

6. Claims 11,14-19 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Claim 11 is allowable because the prior art alone or in combination does not teach or fairly suggest an electrical device having casing parts and a clamp connecting the casing parts, wherein a face of the clamp and an outer side of a casing part form a common plane in combination with the other claimed features.

Claims 14-16 are allowable because the prior art alone or in combination does not teach or fairly suggest an electrical device having casing parts and a clamp connecting the casing parts, wherein there is an additional wall disposed between the two casing parts in combination with the other claimed features.

Claims 17-19 and 21 are allowable because the prior art alone or in combination does not teach or fairly suggest an electrical device having casing parts and profile clamps connecting the casing parts, wherein the profile clamps form a profile slot (a profile between ends of two clamps) in combination with the other claimed features.

Response to Arguments

8. Applicant's arguments filed September 3, 2002 have been fully considered but they are not persuasive.

Regarding the applicant's argument that Saito does not shown an ignition protection flame proof enclosure type "d" and that Saito also does not disclose that the enclosure is safe against ignition punch, both of these limitations were held to be indefinite under 35 USC 112, second paragraph, and therefore were not examined on their merits. Therefore, until the 112, 2nd rejection is over come and the limitations are fully understood, the limitations need not be shown in the rejection to the claims.

Conclusion


9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmelo Oliva whose telephone number is (703)305-0835. The examiner can normally be reached flexible hours on Monday through Friday with every other Wednesday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard, can be reached on (703)308-3682. The fax phone number for this Group is (703) 305-3431 for regular communications, and (703) 305-1341 for after final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

 12/13/02
DEAN A. REICHARD
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